

REMARKS/ARGUMENTS

In the present Office action, claims 39-65 were examined. Claims 40-46, 48-51, 57-60, 64 and 65 were withdrawn from consideration. Claims 39, 47, 52-56 and 61-63 were rejected. Claims 39 and 55 have been amended. Claims 66 has been added. As a result of these amendments, claims 39, 47, 52-56, 61-63 and 66 are believed to be in condition for allowance.

Claim Rejections under 35 U.S.C. 112

The examiner rejected claims 39, 47, 52-56 and 61-63 for failing to particularly point out and distinctly claim the subject matter of the present invention. Specifically, the examiner notes that in claims 39 and 55 there is recited a broad recitation as well as an additional limitation which serves as a narrower statement of the aforementioned range or limitation. More specifically, in claim 39, the examiner notes the recitation of "the movement of the broken-out piece of the breaking-out tool" as well as the recitation of "adapted to be transferred into an angle of inclination". Similarly, the examiner notes that claim 55 recites the broad recitation "finger-like fork prongs", as well as the recitation of "flat cross-section" and "a free end of a pressure pin as in the form of a rough surface".

With respect to claim 39, claim 39 has been amended to remove the offensive language. Specifically, the language "... and in particular is adapted to be transferred into an angle of inclination relative to the sheet of material in the downward movement of the broken-out piece" has been removed. Similarly, with respect to claim 55, the offensive language has

been removed. Claim 66 has been added to include, in dependent form, a portion of the language removed from claim 55.

As a result of these amendments, the Applicant respectfully traverses the examiner's grounds for rejection. Claims 39, 47, 52-56, 61-63 and 66 are therefore believed to be in condition for allowance.

Claim rejections under 35 U.S.C. 103

The examiner has rejected claims 39 and 52-53 as being unpatentable over Raveleau (6,102,268). The examiner further rejects claims 54-56 and 61-63 as rejected over Raveleau in view of JP 08294898. In response to the examiner's rejection, Applicant has amended claim 39 to include a specific limitation neither taught nor suggested by either Raveleau or JP 08294898. Specifically, Applicant has added to claim 39 the language "and wherein the breaking-out tool and the support means are arranged such that the broken-out piece is inclined relative to the sheet of material on the downward movement of the breaking-out tool". This feature is disclosed in the application in Figures 2-8, 27 and 28 as well as in the description in the last paragraph of page 13 and the first paragraph of page 14 wherein such a reference is provided with respect to the originally filed translation of the PCT application.

This tilting movement of the broken-out piece not only improves the quality of the cut out edges of the finally obtained sheet of material, but also decreases the forces which are necessary for the breaking-out process. According to the Raveleau patent, the broken out piece 11 is pushed horizontally in relation to the material layer by the breaking-out tool 12. This, however, presents the disadvantage that the breaking-out forces are higher and the cutting edges are inferior to those

according to that claimed in the present invention in claim 39. Neither Raveleau nor JP 08294898, taken alone or in combination, teach or suggest this limitation to claim 39. Therefore, Applicant respectfully traverses the examiner's grounds for rejection with respect to claim 39. As all of the remaining claims depend upon claim 39, claim 39 now believed to be in condition for allowance, all of claims 39, 52-53, 54-56, 61-63 and 66 are believed to be in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on February 24, 2004

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